

BILL # SB 1146

TITLE: ~~eminent domain; technical correction~~
~~NOW: income tax refund; tax checkoff~~ NOW: House
Appropriations Committee strike-everything amendment

SPONSOR: Jarrett

STATUS: As Amended by House Appropriations

REQUESTED BY: Senate

PREPARED BY: Beth Kohler/Michael Stelpstra

FISCAL YEAR

2003

2004

2005

EXPENDITURES/REVENUES

General Fund/Other Funds

\$-0-

See discussion below

FISCAL ANALYSIS

Description

The bill requires dentists, dental clinics, and institutions providing dental instructions to post a notice containing information about the dangers of mercury. The notice shall also advise pregnant and nursing mothers, as well as parents of children under age 18 to consult their dentists about nonmercury fillings. Dentists must provide a written copy of this notice to new patients receiving fillings. The bill also states that "AHCCCS shall not prescribe the type of filling material that shall be used by a dentist...unless that material is prohibited by the Board of Dental Examiners."

The bill provides a civil penalty of \$100 a day on dentists who do not post the required notice. These monies would be deposited into the General Fund.

Estimated Impact

The bill will result in a minimal increase in expenditures for the Dental Board in FY 2004. The board is funded from the Dental Board Fund, which consists of fees for licensing dentists.

We are not able to estimate the additional General Fund or Other Fund expenditure impact of the bill that may result from changes in patient behavior due to the notice posted in dental offices. In many cases mercury amalgam fillings are less expensive than fillings made from other substances (usually resin). Therefore, if patients that receive dental services paid for with state monies choose fillings made from alternative substances as a result of the notice required by the bill, the state could face increased dental costs. Because we are unable to estimate how individual behavior will change as a result of the notice, we are not able to estimate the potential fiscal impact of this bill.

The bill also has potential savings associated with a reduction in illnesses that are known to be caused by exposure to mercury. If fewer individuals choose mercury amalgam fillings as a result of the notice required by the bill, and mercury fillings are ultimately proven to cause health problems, there could be potential savings associated with the reduction in the use of mercury amalgams (through a reduction in spending on mercury-related illnesses). However, at this point, there is no scientific consensus on whether mercury amalgams cause mercury exposure significant enough to pose a health hazard, except in the rare cases of allergy.

The bill could result in increased General Fund revenues due to the collection of civil penalties for violations of the provisions of the bill. However, because we cannot determine how many dentists will not post the required notice, we are unable to estimate how many civil penalties will be collected.

Analysis

AHCCCS

The bill prohibits AHCCCS from prescribing the type of filling material used by a dentist for children and adults on AHCCCS programs unless that material is prohibited by the Board of Dental Examiners. AHCCCS reports that it does not currently prescribe the types of fillings that dentists may use on AHCCCS recipients. Therefore, we do not believe this provision will affect the cost of dental procedures for AHCCCS patients.

Dental Board

The Dental Board reports that the bill would increase expenditures by \$4,100 in FY 2004 because the board will have to produce a newsletter informing dentists about the requirements of the bill.

The board also reports that if complaints increase as a result of the bill (if dentists violate the requirements of the bill), that they would face increased enforcement costs beginning in FY 2004. The board estimates that an average complaint investigation costs \$1,100. However, because we are not able to estimate by how much complaints might increase, we cannot determine the additional investigation costs associated with the bill.

Revenue Impact/ Other Offsetting Savings

The bill also provides a civil penalty of \$100 a day on dentists who do not post the required notice. These monies would be deposited into the General Fund, resulting in increased General Fund revenues. However, because we cannot determine how many dentists will not post the required notice, we are unable to estimate how many civil penalties will be collected.

The bill may also have potential savings associated with a reduction in illnesses that are known to be caused by exposure to mercury. We reviewed scientific literature on the safety of amalgams and how these compared to the side-effects of other dental restorative materials. Although there is scientific consensus that mercury exposure poses health risks to children, there does not seem to be a consensus on whether mercury amalgams cause exposure significant enough to pose a health hazard except in rare cases of allergy. Health Canada, the Canadian federal health department, acknowledges that current scientific evidence does not indicate that mercury amalgams cause mercury-related illnesses, but recommends that alternative filling materials should be considered for children and pregnant women where possible. Both the United State Public Health Service (USPHS) and the World Health Organization, however, have concluded that current scientific data does not provide evidence that dental amalgams cause health problems (except in cases of allergy) and have not made similar recommendations. The Food and Drug Administration (FDA), the National Institutes of Health, the Centers for Disease Control and Prevention, and other organizations of the USPHS continue to study this issue.

Local Government Impact

None.

4/29/03